

REMARKS

The specification is amended to amend the title of the application, to bring the Abstract to acceptable length, to add the appropriate headings, and to correct typographical informalities. The amendment to the title is supported by the specification, for example paragraph [004] and the Abstract. The amendment of the Abstract, addition of appropriate headings, and the corrections of typographical informalities do not change the scope of any subject matter in the specification. Accordingly, the substitute specification does not include new matter.

Claims 1-6 are amended to clarify claim language. Claims 7 and 8 are new. Support for these amendments is found throughout the specification and the amendments do not add new matter.

Applicants have carefully considered all of the pending rejections, but respectfully submit that the claims are allowable for at least the following reasons.

Objection to the Drawings

The Examiner objects to the drawings for lacking a lead line for every figure. Applicants respectfully submit that per M.P.E.P. § 1.84(q), lead lines are not required if the reference character is underlined to indicate that the lead line has not been omitted by mistake. Accordingly, Applicants request withdrawal of this objection.

Objection to the Specification

The Examiner objects to the specification for failing to conform to the proper language and format. Applicants submit herewith a substitute specification amending the Abstract to conform to the guidelines provided in M.P.E.P. 608.01(b). In view of this amendment, Applicants respectfully request withdrawal of the objection to the Abstract of the specification.

The Examiner objects to the specification because the title of the invention is not descriptive. Applicants submit herewith a substitute specification amending the title to more clearly describe the invention. In view of this amendment, Applicants respectfully request withdrawal of the objection to the title of the specification.

The Examiner objects to the specification because headings are missing. Applicants submit herewith a substitute specification amending the disclosure to include the appropriate headings as provided in M.P.E.P. 608.01(a). Accordingly, Applicants respectfully request withdrawal of the objection to the title of the specification.

Claim Objections

The Examiner objects to Claims 4-6 for being in improper multiple dependent form. Applicants have amended Claims 4-6 to depend from one claim only. Accordingly, Applicants respectfully request withdrawal of the objection to Claims 4-6.

The Examiner objects to Claims 2-3 for having an improper preamble. Applicants have amended the preamble of Claims 2 and 3 to recite "The multifunctional." Accordingly, Applicants respectfully request withdrawal of the objection to Claims 2-3.

The Examiner objects to Claims 2 and 3 because these claims recite "characterized" as opposed to "wherein." Applicants have amended Claims 2 and 3 to replace the recitation of "characterized" with "wherein," thereby rendering the objection moot.

Rejection of Claims 1-3 under 35 U.S.C. § 112 – Indefiniteness

The Examiner asserts that Claims 1-3 are indefinite under 35 U.S.C. § 112 second paragraph for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

The Examiner asserts that the recitation of the terms "like e.g." and "may be" render the claims indefinite. Applicants have amended the claims such that they no longer recite "like e.g." or "may be," thereby rendering the rejection moot.

The Examiner asserts that the recitation of the terms "1.1, 1.1.1, 1.1.2, and 1.2" in Claim 1 are not understood. Applicants have amended Claim 1 such that it no longer recites "1.1, 1.1.1, 1.1.2, and 1.2," thereby rendering the rejection moot.

The Examiner asserts that the recitation of "a mainly straightly directed" in Claim 1 should read "a mainly straight." Applicants have amended Claim 1 to recite "a mainly straight," thereby rendering the rejection moot.

The Examiner asserts that the recitation of "which profile element" in Claim 1 should read "which said profile element." Applicants have amended Claim 1 to recite "wherein the profile element," thereby rendering the rejection moot.

The Examiner asserts that the recitation of "on both sides over an angle" in Claim 1 should read "on both sides at an angle." Applicants have amended Claim 1 to recite "on both sides at an angle," thereby rendering the rejection moot.

Lastly, the Examiner asserts that the recitation of “which is in a position parallel or not to the first vertical part” is confusing and indefinite. Applicants have amended Claim 1 to remove this limitation. In view of this amendment, Applicant respectfully requests withdrawal of the rejection of Claim 1.

Rejection of Claims 1-2 under 35 U.S.C. § 102

Claims 1 and 2 are rejected under 35 U.S.C. §102 as being anticipated by Terminella et al. (U.S. Pat. No. 6,029,428). The Examiner asserts that Terminella et al. discloses a multifunctional constructional modular element for machine building purposes having all of the limitations recited in Claim 1.

Claim 1 recites a first and second downward directed vertical part with cut-away portions for the insertion of hollow functional sockets having internal threading. The Examiner asserts that Terminella et al. discloses a multifunctional constructional modular element having a hollow functional socket having internal threading (642). Terminella et al. does not disclose a hollow functional socket having internal threading. The specification of Terminella et al. defines part (642) in Figure 13 as “stacked cup springs,” not internal threading. *See* Terminella et al. col. 27, lines 45-67. In addition, the elements of Terminella pointed out by the Examiner do not fulfill the claim language in many respects. For example, the downwardly directed parts 636 and 5-656 of Terminella do not “taper off” of the horizontal parts 690 and 692. Additionally, there are no regularly spaced cut away portions in a vertically directed part. Therefore, Terminella et al. cannot anticipate Claim 1 or any claim that directly or indirectly depends from Claim 1.

Claim 2 depends from Claim 1 and is therefore novel over Terminella et al. for at least the reasons discussed above.

Rejection of Claims 3 under 35 U.S.C. § 103

Claim 3 is rejected under 35 U.S.C. § 103(a) as being obvious over Terminella et al. (U.S. Pat. No. 6,029,428). The Examiner asserts that Terminella et al. discloses the claimed invention, but does not expressly disclose a C- or U-shaped profile element cross-section having a wall thickness of approximately 2mm. The Examiner asserts that a wall thickness of 2 mm would have been a matter of obvious design choice to one of ordinary skill in the art at the time the invention was made.

Application No.: 10/550,470
Filing Date: March 19, 2007

If a person having ordinary skill in the art were to modify Terminella et al. in the manner asserted by the Examiner, Terminella et al. would still fail to meet the combination of limitations recited in Claim 1 because Terminella would lack a hollow functional socket having internal threading. Therefore, Claim 3 is unobvious over Terminella et al.

No Disclaimers or Disavowals

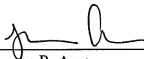
Although the present communication may include alterations to the application or claims, or characterizations of claim scope or referenced art, Applicant is not conceding in this application that previously pending claims are not patentable over the cited references. Rather, any alterations or characterizations are being made to facilitate expeditious prosecution of this application. Applicant reserves the right to pursue at a later date any previously pending or other broader or narrower claims that capture any subject matter supported by the present disclosure, including subject matter found to be specifically disclaimed herein or by any prior prosecution. Accordingly, reviewers of this or any parent, child or related prosecution history shall not reasonably infer that Applicant has made any disclaimers or disavowals of any subject matter supported by the present application.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: March 12, 2010

By: 
Thomas R. Arno
Registration No. 40,490
Attorney of Record
Customer No. 20995
(619) 235-8550

AMEND

8670072
030710